
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 74

The Transport and Works (Scotland) Act 2007 (Applications and Objections Procedure) Amendment Rules 2017

Amendment of rule 2

3. In rule 2 (interpretation)—

(a) in paragraph (1)—

(i) after the definition of “the Act” insert—

““additional information” means—

- (a) supplementary information required in accordance with rule 15(2); or**
- (b) any other information provided by the applicant which, in the opinion of the Scottish Ministers is substantive information about a matter to be included in the EIA report in accordance with rule 9(2);”;**

(ii) in the definition of “the Directive” for “Council [Directive 85/337/EEC](#)” substitute “[Directive 2011/92/EU](#) of the European Parliament and of the Council⁽¹⁾”;

(iii) after the definition of “bridleway” insert—

““the consultation bodies” means—

- (a) every local authority in whose area the works would be carried out were the order for which an applicant proposes to apply under section 4 or the Scottish Ministers propose to make under section 6 of the Act to be made;**
- (b) every National Park authority for a National Park in which the works would be carried out were the order for which an applicant proposes to apply under section 4 or the Scottish Ministers propose to make under section 6 of the Act to be made;**
- (c) the Scottish Environment Protection Agency;**
- (d) Scottish Natural Heritage;**
- (e) Historic Environment Scotland;”;**

(iv) omit the definitions of “environmental impact assessment” and “environmental statement” (including the definition of “the applicant’s statement of environmental information”) and substitute—

““EEA State”, in relation to any time, means—

- (a) a state which at that time is a member State; or**
- (b) any other State which at that time is a party to the agreement on the European Economic Area signed at Oporto on 2nd May 1992⁽²⁾, together with the Protocol adjusting that agreement signed at Brussels on 17th March 1993⁽³⁾, as modified or supplemented from time to time;**

⁽¹⁾ OJ L 26, 28.1.2012, p.1 as amended by Council [Directive 2014/52/EU](#) (OJ L 124, 25.4.2014, p.1).

⁽²⁾ Command Paper 2073.

⁽³⁾ Command Paper 2183.

“EIA application” means an application under section 4 of the Act for works which—

- (a) would constitute a project of a type mentioned in Annex I to the Directive; or
- (b) would constitute a project of a type mentioned in Annex II to the Directive and are likely to have significant effects on the environment by virtue of factors such as its nature, size or location;

“EIA report” has the meaning given in rule 9;

“environmental impact assessment” has the meaning given in rule 2A;”;

- (v) after the definition of “regional Transport Partnership” insert—

““relevant assessment” means an assessment, or verification, of effects on the environment carried out pursuant to Union legislation (other than legislation implementing the requirements of the Directive) which is relevant to the assessment of the environmental impacts of the proposed development;”;

- (vi) after the definition of “transport system” insert—

““Union legislation” means any enactment in the domestic legislation of Scotland giving effect to rights, powers, liabilities, obligations and restrictions from time to time created or arising by or under the EU treaties;”;

- (b) in paragraph (2), after the word “newspaper” insert “or on a website”.